

ORDINANCE 2001-034

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING ORDINANCE 92-20, KNOWN AS THE UNIFIED LAND DEVELOPMENT CODE OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS: ARTICLE 15, TRAFFIC PERFORMANCE STANDARDS, TO REVISE DEFINITIONS AND REGULATIONS; PROVIDING FOR INTERPRETATION OF CAPTIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Chapter 125, Florida Statutes, establishes the right and power of counties to provide for the health, welfare, and safety of the existing and future residents by enacting and enforcing land development and administrative regulations necessary for the protection of the public; and

**WHEREAS**, Palm Beach County Ordinance 92-20 provided for the adoption of the Unified Land Development Code on June 16, 1992, pursuant to Section 163.3202, Florida Statutes to further growth management requirements; and

**WHEREAS**, Chapters 125 and 163, Florida Statutes, grant authority to the Board of County Commissioners to adopt and enforce land development regulations within the unincorporated area of Palm Beach County; and

**WHEREAS**, current information and increased population require re-evaluation and adoption of updated development standards; and

**WHEREAS**, the Board of County Commissioners has mandated that County staff conduct periodic reviews of the Unified Land Development Code to evaluate its various provisions and propose amendments to resolve new or outstanding issues and comply with the Comprehensive Plan, State Statutes and federal law; and

**WHEREAS**, the Board of County Commissioners has determined that it is in the best interest of public welfare to ensure developments are constructed and continuously operated in accordance with the Unified Land Development Code, conditions of approval and adequate public facilities; and

**WHEREAS**, the revised provisions regarding Traffic Performance Standards further the goals and policies of the Board of County Commissioners; and,

**WHEREAS**, the proposed amendments to the ULDC have been reviewed by the Citizens Task Force at public meetings and recommendations of the Citizens Task Force were forwarded to the Board of County Commissioners; and

**WHEREAS**, the Citizens Task Force, sitting as the Land Development Regulation Commission, finds that this amendment to the Unified Land Development Code is consistent with the Comprehensive Plan; and

**WHEREAS**, the Board of County Commissioners determines the proposed amendments will improve the procedures and standards of the Unified Land Development Code; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, THAT:

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Relocated language is shown as *italicized with reference (6.4.D.35.a.) in parentheses*.



PART 1 The Unified Land Development Code of Palm Beach County is amended as follows:

SUBPART 1, Section 15(I)D, Subsection 2 - Buildout/Model Standard is hereby amended to add and delete language as follows:

**Section 15.(I) D, Subsection 2 - Buildout/Model Standard**

- (A) LINK/Buildout test - Test 1. ...
- (B) Model test/Test 2. ...
- (C) Level of Service Standard.

(1) The LEVEL OF SERVICE D and E Standard Volumes as to Average Daily Traffic, Peak Hour Traffic and Peak Hour, Peak Season, Peak Direction (Alternate Test 1) for Links are set forth in Table 1A, and 1B, respectively.

- (2) (a) For roads on the Florida Intrastate Highway System (FIHS), the level of service standard shall be Level of Service D in Urban Areas and Level of Service C in Transitioning Urban Areas, Urban Areas or Communities; and, Level of Service B in Rural Areas as adopted by the Florida Department of Transportation. This standard must be met for roadways on a peak hour / peak direction basis. Numeric values for this standard, for planning purposes, are shown in Table 5-1 in FDOT's "Level of Service Manual." For more specific capacity determinations, numeric calculations of this standard shall be in accordance with the methodologies for roadway capacity, (chapter 11) contained within the Highway Capacity Manual, Special Report 209, Third Edition, as published by the Transportation Research Board or the FDOT's "Level of Service Manual" (1995 or as amended), using "ART-Plan". For projects with impacts on the FIHS roadways the level of service standard shall be established and met for each project phase, and at project completion.

(b) A PROJECT with traffic impacts on roads on the FIHS, that received a development order prior to the implementation of the methodology described in Subsection (C)(2)(a) above, may readdress its traffic impacts on the FIHS based on the methodology described in Subsection (C)(2)(a) above using updated traffic information.

(3) A required roadway improvement that is the subject of a development order condition may not be necessary due to the adoption of a CRALLS. An applicant with a PROJECT that has a development order condition for a roadway improvement or is phased to the unnecessary roadway improvement may request the appropriate governing body to remove the applicable roadway phasing condition. The application may be approved provided that the concurrency reservation (for unincorporated projects) or determination of the County Engineer (for municipal projects) has been amended to delete the applicable roadway phasing condition.

**SUBPART 2, Section 15(I)O, Transportation Concurrency Exemption for Projects That Promote Public Transportation, is created as follows:**

**Section 15.(I) O - Transportation Concurrency Exemption for Projects That Promote Public Transportation**

**Subsection 1. Intent.** The purpose and intent of this Section is to allow a local government to grant an exception from the concurrency requirements for transportation facilities for

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1 projects which promote public transportation. Section 163.3164(28), Florida Statutes defines  
2 projects that promote public transportation as those that "directly affect the provisions of public  
3 transit, including transit terminals, transit lines and routes, separate lanes for the exclusive use  
4 of public transit services, transit stops (shelters and stations), office buildings or projects that  
5 include fixed-rail or transit terminals as part of the building, and projects which are  
6 transit-oriented and designed to complement reasonably proximate planned or existing public  
7 facilities". Under limited circumstances, it allows exceptions to the standards of this Section  
8 15 in defined urban areas. The exception requires that projects establish meaningful facilities  
9 and programs that promote public transportation.

10  
11 **Subsection 2. Project types.** This exception is limited to project that meet the criteria (A)  
12 or (B) below.

13  
14 (A) The project must be determined to be a project which promote economic development  
15 through job creation. At a minimum, the project shall be 200 acres in size, and create, at  
16 project build-out, not less than 5,000 jobs at the project site.

17  
18 (1) For a project located in the unincorporated area, the Board of County  
19 Commissioners shall make a determination that the jobs created shall be of a type and within  
20 a salary range that promote economic development.

21  
22 (2) For a project located in the incorporated area, the Board of County Commissioners  
23 and the municipal Commission shall make determinations that the jobs created shall be of a  
24 type and within a salary range that promote economic development.

25  
26 (B) The project must be developed, owned, and operated by a not-for-profit agency. The  
27 project and agency shall provide essential public services. At a minimum, the project shall be  
28 20 acres in size, and create, at build-out, not less than 2,000 jobs at the project site.

29  
30 (1) For a project located in the unincorporated area, the Board of County  
31 Commissioners shall make a determination that the project and agency provide essential  
32 public services.

33  
34 (2) For a project located in the incorporated area, the Board of County Commissioners  
35 and the municipal Commission shall make determinations that the project and agency provide  
36 essential public services.

37  
38 (C) A project that meets the requirements of (A) or (B) above may be a mixed use project,  
39 incorporating residential and/or commercial components. However, in no event shall  
40 residential and/or commercial retail uses combine to comprise more than 45% of the square  
41 footage of the gross floor area.

42  
43 **Subsection 3. Project location.** This exception is limited to project that meet the following  
44 location criteria:

45 (A) The project shall not be located within the Coastal High Hazard Area.

46 (B) All projects must be located within the County's Urban/Suburban Tier and be adjacent  
47 to (i.e., abutting or separated only by other public or governmental rights-of-way) the Tri-County  
48 Commuter Rail Authority line, or be adjacent to a street which is served by Palm Tran.

49  
50 **Subsection 4. Required provisions to promote public transportation.** All projects shall,  
51 at a minimum, provide all of the following transportation amenities:  
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1        (A) The project shall provide a site to Tri-Rail at the project site, adjacent to the Tri-Rail  
2 tracks, for a station platform, ticket booth, and parking for at least 400 automobiles. When a  
3 project is not adjacent to Tri-Rail, it shall provide a bus stop facility capable of handling two  
4 or more Palm Tran buses at a time with a covered waiting area of sufficient size to  
5 accommodate at least 2% of its employees.

6  
7        (B) The project shall provide a financial incentive in the form of a subsidy of at least 50%  
8 of the annual ticket cost to at least 5% of the persons employed at the project site for riding  
9 Tri-Rail and/or Palm Tran to and from the project site a for a minimum of 200 working days per  
10 year. As an alternative, the development may provide equivalent funds directly to Palm Tran  
11 to subsidize this service.

12  
13        (C) The project shall provide a ride-sharing information service to persons employed at  
14 the project site.

15  
16        (D) The project shall provide emergency transportation to those employees using mass  
17 transit, ride sharing, or other alternative modes of transportation (i.e. bicycles or pedestrian).

18  
19        (E) The project shall apply access management techniques along all roadways fronting  
20 the project.

21  
22        (F) The project shall provide external pedestrian access to the project, as well as an  
23 internal pedestrian system, accommodating persons with disabilities, as well as persons  
24 using alternative modes of transportation to the automobile.

25  
26        (G) The project shall enter into an agreement with Palm Beach County to provide the  
27 provisions to promote public transportation detailed in sections (A) through (D) above, in  
28 perpetuity. The project will submit an annual monitoring report to the Palm Beach County  
29 Director of Planning that demonstrates that the requirements in sections (A) through (D) above  
30 are being met. Each annual report shall be due on the anniversary of the first Certificate of  
31 Occupancy.

32  
33        **Subsection 5. Required Traffic Study** Projects utilizing this exemption will submit a traffic  
34 study that is consistent with all of the provisions of this Section 15. They shall also provide a  
35 transportation analysis that illustrates their impact on the Florida Intrastate Highway System  
36 to ensure that those impacts are considered in the approval process.

37  
38        **Subsection 6. Required roadway improvements** Projects utilizing this exemption may  
39 be required to provide roadway, intersection, and/or signalization improvements to minimize  
40 their impact on the road network. These improvement will be determined by the County  
41 Engineer.

42  
43        **Subsection 7. Parking.** Projects meeting the above requirements may apply for parking  
44 reductions pursuant to applicable codes.

**PART 2. CAPTIONS:** The captions, section headings, and section designations used in this ordinance are intended for the convenience of users only and shall have no effect in the interpretation of the provisions of this ordinance.

**PART 3. REPEAL OF LAWS IN CONFLICT:** All local laws and ordinances applying to the unincorporated area of Palm Beach County in conflict with any provision of this ordinance are hereby repealed to the extent of any conflict.

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**PART 4. SEVERABILITY:** If any section, paragraph, sentence, clause, phrase, or word of this ordinance is for any reason held by the Court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

**PART 5. INCLUSION IN THE UNIFIED LAND DEVELOPMENT CODE:** The provision of this ordinance shall become and be made a part of the Unified Land Development Code of Palm Beach County, Florida. The Sections of the ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

**PART 6. EFFECTIVE DATE:** The provisions of this ordinance shall become effective upon filing with the Department of State.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, on the 21st day of August, 2001.

**ATTEST:**

**DOROTHY H. WILKEN, Clerk**

By: Joan Harter

Deputy Clerk



**PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY COMMISSIONERS**

By: Warren H. Newell

Warren H. Newell, Chairman

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY**

By: Heather Brown

County Attorney

**EFFECTIVE DATE:** Filed with the Department of State on the 27 day of August, 2001.

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STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on August 21, 2001  
DATED at West Palm Beach, FL on 9/5/01  
DOROTHY H. WILKEN, Clerk  
By: Heather Brown D.C.

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